

Senate File 2066

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1 3 AN ACT
1 4 MODIFYING REQUIREMENTS FOR SECURING CHILDREN TRANSPORTED
1 5 IN MOTOR VEHICLES AND MAKING A PENALTY APPLICABLE.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 321.445, subsection 2, unnumbered
1 10 paragraph 1, Code 2003, is amended to read as follows:
1 11 The driver and front seat occupants of a type of motor
1 12 vehicle ~~which~~ that is subject to registration in Iowa, except
1 13 a motorcycle or a motorized bicycle, shall each wear a
1 14 properly adjusted and fastened safety belt or safety harness
1 15 any time the vehicle is in forward motion on a street or
1 16 highway in this state except that a child under ~~six~~ eleven
1 17 years of age shall be secured as required under section
1 18 321.446.
1 19 Sec. 2. Section 321.446, subsections 1, 2, and 4, Code
1 20 2003, are amended to read as follows:
1 21 1. a. A child under one year of age and weighing less
1 22 than twenty pounds who is being transported in a motor vehicle
1 23 subject to registration, except a school bus or motorcycle,
1 24 shall be secured during transit in a rear-facing child
1 25 restraint system that is used in accordance with the
1 26 manufacturer's instructions.
1 27 b. A child under three six years of age who does not meet
1 28 the description in paragraph "a" and who is being transported
1 29 in a motor vehicle subject to registration, except a school
1 30 bus or motorcycle, shall be secured during transit by a child
1 31 restraint system which meets federal motor vehicle safety
1 32 standards, and the system shall be that is used in accordance
1 33 with the manufacturer's instructions.
1 34 2. A child at least ~~three~~ six years of age but under ~~six~~
1 35 eleven years of age who is being transported in a motor
2 1 vehicle subject to registration, except a school bus or
2 2 motorcycle, shall be secured during transit by ~~either~~ a child
2 3 restraint system that ~~meets federal motor vehicle safety~~
2 4 ~~standards and~~ is used in accordance with the manufacturer's
2 5 instructions, or by a safety belt or safety harness of a type
2 6 approved under section 321.445.
2 7 4. a. The An operator who violates subsection 1 or 2 is
2 8 guilty of a simple misdemeanor and subject only to the penalty
2 9 provisions of section 805.8A, subsection 14, paragraph "c".
2 10 b. During the eighteen-month period beginning July 1,
2 11 2004, and ending December 31, 2005, peace officers shall issue
2 12 only warning citations for violations of subsections 1 and 2,
2 13 provided the operator is, at a minimum, in compliance with the
2 14 provisions of subsections 1 and 2, Code 2003. A peace officer
2 15 may issue a citation for a violation of this section or
2 16 section 321.445, as applicable, to an operator who is not in
2 17 compliance with section 321.446, subsections 1 and 2, Code
2 18 2003, in regard to a child under six years of age, or section
2 19 321.445, Code 2003, in regard to a child at least six years of
2 20 age but under eleven years of age. This paragraph is repealed
2 21 January 1, 2006.
2 22 Sec. 3. Section 321.446, Code 2003, is amended by adding
2 23 the following new subsection:
2 24 NEW SUBSECTION. 7. For purposes of this section, "child
2 25 restraint system" means a specially designed seating system,
2 26 including a belt-positioning seat or a booster seat, that
2 27 meets federal motor vehicle safety standards set forth in 49
2 28 C.F.R. } 571.213.
2 29 Sec. 4. EDUCATION PROGRAMS AND COMPLIANCE ASSISTANCE.
2 30 1. The state department of transportation, in cooperation
2 31 with the department of public safety, shall develop and
2 32 implement public awareness and education programs to foster
2 33 compliance with the child restraint system usage requirements
2 34 of this Act.
2 35 2. The state department of transportation and the
3 1 department of public safety shall make every reasonable effort
3 2 to identify existing programs administered by state and local
3 3 government agencies that provide assistance to low-income
3 4 families and to coordinate efforts with those agencies to
3 5 assist Iowa parents, including but not limited to parents with

3 6 more than three children under age eleven, to comply with the
3 7 requirements of this Act. This subsection is contingent upon
3 8 the availability of funds to cover the costs associated with
3 9 its implementation.

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3 14 JEFFREY M. LAMBERTI
3 15 President of the Senate

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3 19 CHRISTOPHER C. RANTS
3 20 Speaker of the House

3 21 I hereby certify that this bill originated in the Senate and
3 22 is known as Senate File 2066, Eightieth General Assembly.

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3 25 _____
3 26 MICHAEL E. MARSHALL
3 27 Secretary of the Senate

3 28 Approved _____, 2004

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3 32 THOMAS J. VILSACK
3 33 Governor